

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DUKE E. CRANFORD

Case No. 2:15-cv-02189-GMN-PAL

Plaintiff,

V.

E.K. McDANIEL, et al.,

ORDER

Defendants.

This matter is before the court on the Sealed Submission of Last Known Address (ECF No. 37) filed by the Attorney General for the State of Nevada (“Attorney General”), counsel for Defendants E.K. McDaniel, Romeo Aranas, and Bruce Stroud. *See also* Notice of Filing Under Seal (ECF No. 38). The Attorney General filed the Sealed Submission in response to the court’s Order to Show Cause (ECF No. 35) for failing to comply with a previous Order (ECF No. 32) requiring the Attorney General to advise the court and Plaintiff whether service would be accepted on behalf of Dr. Leaks or file the doctor’s last known address under seal. The Attorney General has now filed Dr. George Leaks’ last known address under seal. Sealed Submission (ECF No. 37).

In cases involving an incarcerated *in forma pauperis* plaintiff, the USM will serve the summons and the complaint upon order of the court. Fed. R. Civ. P. 4(c)(3); 28 U.S.C. § 1915(d). Thus, the Clerk of the Court will be directed to issue summons under seal to Defendant Dr. George Leaks and provide the U.S. Marshal Service (“USM”) with his last known address to attempt service. If the USM is unable to serve Defendant Leaks at his last known address and Cranford wishes to have service attempted again, he must file a timely motion specifying a more detailed name and/or address for said defendant, or whether some other manner of service should be attempted. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Mr. Cranford must comply with this Order by accomplishing service by **July 14, 2017**, and his failure to complete

1 service by that deadline may result in a recommendation to the district judge that the claims against
2 Defendant Leaks be dismissed without prejudice.

3 Having reviewed and considered the matter,

4 **IT IS ORDERED:**

- 5 1. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, the deadline to
6 accomplish service on Defendant Leaks is **July 14, 2017**.
- 7 2. The Clerk of the Court SHALL ISSUE SUMMONS **UNDER SEAL** for Defendant Dr.
8 George Leaks and deliver the same to the USM for service, along with a copy of the
9 Second Amended Complaint (ECF No. 11), Sealed Submission of Last Known
10 Address (ECF No. 37), and this Order.
- 11 3. The USM is directed to serve Defendant Leaks at the address listed in the Sealed
12 Submission of Last Known Address (ECF No. 37).
- 13 4. After attempting service, the USM shall redact the return of service form so that
14 Defendant Leaks' last known address is not made publically available and file a notice
15 with the court indicating whether he was served.
- 16 5. If the USM is unable to serve Defendant Leaks and Mr. Cranford wishes to have service
17 attempted again, he must timely file a motion specifying a more detailed name and/or
18 address for the doctor, or whether some other manner of service should be attempted.
- 19 6. Mr. Cranford must comply with this Order by accomplishing service by **July 14, 2017**,
20 and his failure to complete service by that deadline may result in a recommendation to
21 the district judge that Defendant Dr. George Leaks be dismissed without prejudice.

22 Dated this 16th day of May, 2017.

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25 PEGGY A. LEEN
26 UNITED STATES MAGISTRATE JUDGE
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